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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION

V.L., *et al.*,) Case No.: CV 09-04668 CW
Plaintiffs)
v.)
WAGNER, *et al.*,)
Defendants) STIPULATION AND ORDER
) CONTINUING THE FURTHER CASE
) MANAGEMENT CONFERENCE
) PENDING RESOLUTION OF
) DEFENDANTS' PRELIMINARY
) INJUNCTION APPEAL IN THE NINTH
) CIRCUIT
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V.L. V. WAGNER, CASE NO. CV-09-04668 CW
**STIP. & ORDER CONTINUING THE FURTHER CONFERENCE MANAGEMENT CONFERENCE PENDING
RESOLUTION OF DEFS' PRELIMINARY INJUNCTION APPEAL IN THE 9TH CIRCUIT**

WHEREAS defendants' preliminary injunction appeal is currently pending in the Ninth Circuit;

WHEREAS oral argument on that appeal was heard and the matter submitted on June 15, 2010;

WHEREAS the Ninth Circuit deferred resolution of the preliminary injunction appeal pending the United States Supreme Court's decision in the consolidated appeals in *Maxwell-Jolly v. Indep. Living Ctr.*, 572 F.3d 644 (9th Cir. 2009), *Maxwell-Jolly v. Calif. Pharmacists Ass'n*, 2010 WL 737650 (9th Cir. March 3, 2010) and *Maxwell-Jolly v. Santa Rosa Mem. Hosp.*, 2010 WL 2124276 (9th Cir. May 27, 2010), certiorari granted, 2011 WL 134272 (U.S. No. 09-958, Jan. 18, 2011) or upon further order of the court; and

WHEREAS the parties agree that it would be more efficient for the Court and the parties to continue the further case management conference pending resolution of the preliminary injunction appeal:

IT IS HEREBY STIPULATED between the parties through their respective counsel that, subject to Court approval:

1. The further case management conference scheduled for February 8, 2011 is taken off calendar.
 2. The further case management conference will be rescheduled for April 12, 2011 at 2:00 PM.
 3. The parties, by filing another Stipulation and Order, may request an earlier or later date for the further case management conference depending on the date the Ninth Circuit issues its opinion.

Dated: February 1, 2011

Respectfully submitted,

/s/ Frederick P. Nisen

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Dated: February 1, 2011

/s/ *Eve H. Cervantez*

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SEIU Local 521, SEIU California State Council,
UDW, and CUHW*

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2
3 Dated: February 1, 2011

Respectfully submitted,

4
5 /s/Gregory D. Brown

6 KAMALA HARRIS

7 Attorney General of California

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9 SUSAN M. CARSON

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11 JOSHUA N. SONDEIMER

12 GREGORY D. BROWN (SBN 219209)

13 Deputy Attorneys General

14 Attorneys for Defendants

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16
17 GENERAL ORDER 45 ATTESTATION

18 I, Frederick P. Nisen, am the ECF user whose ID and password are being used to file this
19 stipulation and proposed order. In compliance with General Order 45, X.B., I hereby attest that
20 plaintiffs' counsel and defendants' counsel have concurred in the filing of this document with their
21 electronic signatures.

22 Dated: February 1, 2011

/s/ Frederick P. Nisen

23 Frederick P. Nisen

24 GOOD CAUSE APPEARING, PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 DATED: 2/3/2011

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27 The Honorable Claudia Wilken
28 United States District Judge

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